

**IVINS
CITY COUNCIL
MINUTES
March 3, 2016**

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.

STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Building and Zoning Administrator Kevin Rudd, Public Works Director/City Engineer Chuck Gillette, Director of Finance Wally Ritchie, and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: Marjorie & Dick Morgan, David & Kathleen Preston, Eric McFadden, Stephanie Dale, MaryAnn & Keith Smith, Laura Dekorver, Kenneth Anderson, J. Eck, JR Crawford, Claudette Larsen, Rick Neilson, David Reid, Kevin Lewis, Jeff Parker, Steve & Marilyn Fassler, Aron Baker, JoAnn Beer, Camden & Shelley Schwendiman, Bill & Brenda Davidson, R. Roush, Elizabeth Mackay, Mitchell Loris, Debbie Hafen, Janessa Blackburn, Tracey Welsh, Brian Chadaz, Tim Bryan, Lance Anderson and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Densley led the Flag Salute

C. Invocation

Council Member Densley gave the Invocation

D. Disclosures

Council Member Densley referred to agenda item 4)D and disclosed that his LLC owns the parcel adjacent to that property. **Mayor Hart** referred to the same agenda item and disclosed that he built a home for Bill and Brenda Davidson on property that abuts the subject property.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Ironman Presentation - Dave Reid

Dave Reid with Ironman was present and stated that the race began as a full Ironman but is now a half Ironman. A portion of the course will now go through Ivins on Center Street, to 400 West and then back up Snow Canyon.

B. Department Reports: Parks and Recreation & Public Safety

Parks and Rec Report

Public Safety Report

Benny Sorensen provided a written report, a copy of which is available by request through Ivins City Hall. He reported that basketball is over and that there will be soccer, baseball and softball tournaments in Ivins every weekend in March. The City held a Geology class that was very popular and the Dirty Hurty all trail Half Marathon will be held on March 5, 2016.

Bob Flowers provided a written report. A copy of the report is available by request through Ivins City Hall. He reported that in February they focused on enforcing the speed limit in the school zones and that was successful. They noticed there was a lot of people texting and driving and they will be using unmarked cars to monitor that and issue tickets to those who are texting and driving. They also noticed that drivers are not

yielding to pedestrians in the crosswalks. They will be monitoring and ticketing for that as well. EMS has been busy and is doing well. **Mayor Hart** inquired if Chief Flowers has noticed a traffic change on Puerto Drive now that the Harmon's grocery store is open. **Bob** reported that when people were in town for the Parade of Homes, there were people speeding on Puerto and there was a lot of traffic. The City is currently conducting a traffic count on Puerto Drive.

C. Planning Commission Report

Chairperson Loris reported that the Planning Commission held three (3) Public Hearings regarding a Zone Change, proposed amendments to the Subdivision Ordinance and proposed amendments to the Zoning Ordinance. They made recommendations and those agenda items are proceeding to the City Council. The Planning Commission approved a Final Plat for the Encanto subdivision and continued to discuss and review a draft ordinance regarding Recreational Vehicle Resorts.

3) **CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

None

4) **PUBLIC HEARING AND ACTION ITEMS**

A. Public Hearing on the Planning Commission's recommendation to approve a Zone Change of 9.51 acres from R-1-7.5 (Single Family Residential - minimum lot size 7,500 sq. ft.) to RM (Multi-Family Residential) on property located on the southeast corner of 800 South and Main Street

Dale Coulam stated this is a nearly ten (10) acre parcel that was one of the parcels approved for a short-term rental overlay. Across the street from this parcel is a triangular piece of property that is already zoned RM Multi-Family Residential with a short-term rental overlay. **Kevin Rudd** indicated that this parcel is on the Land Use Plan as High Density Residential and the allowed zones in High Density Residential are R-1-5 Single Family Residential minimum lot sizes of 5,000 sq ft, R-2-6 Two Family Residential minimum lot sizes of 6,000 sq ft and RM Multi-Family Residential.

The property owner is asking for a zone change to RM Multi-Family Residential. The Planning Commission voted unanimously to recommend approval but felt that a single layer buffer of single family homes would be appropriate to the east. **Mayor Hart** reminded the public that the purpose of a Public Hearing is to provide information to the City Council so they can make an informed decision. He urged the public to keep comments focused on why their point of view should be regarded in the City Council's final decision. **Mayor Hart** opened the Public Hearing.

The following individuals spoke in opposition to the zone change: Laura Dekorver, Kathleen Preston, Elizabeth Mackey, Jeff Parker, Debbie Hafen, James Cook, Steve Fassler, David Preston, Kent Hardman and Margie Morgan. They were concerned with safety issues, increased traffic and crime, water runoff, altering the integrity of the neighborhood, declining property values of their homes, temporary housing rather than long term housing, unkempt yards, increased law enforcement presence/responses and disturbing their quality of life. Some expressed that building apartments would be similar to a trailer park but that it would be permanent and that raising the density could turn a property into a conceal commercial property. They felt there was already enough multi-family zones in Ivins and that a high density project off a Highway 91 would not be a nice gateway into Ivins. They would like to see the property remain as Single Family Residential.

Eric McFadden and Jeff Loris spoke in favor of the zone change. **Mr. McFadden** represented the property owners and stated that people who are just starting out use multi-family housing. Zoning the property as they have requested would give the property owners the option to build duplexes or four-plexes or condos. Regarding unkempt yards, he has seen single family residential areas where yards are unkempt. The multi-family housing yards would be maintained. **Mr. Loris** clarified that he

spoke as a resident and not as a Planning Commission member. He lives in an area where the zoning varies from allowing town homes, which were recently built, up to one (1) single family lots. He has never seen law enforcement respond to the town homes but stated that law enforcement has responded to one (1) acre single family residences in his area. He lived in condominiums when he was starting out and multi-family is used for that purpose. There being no further comments, **Mayor Hart** closed the Public Hearing.

- B. Discuss and consider approval of Ordinance No. 2016-08, an Ordinance of Ivins City, Utah, regarding a Zone Change from R-1-7.5 (Single Family Residential - minimum lot size 7,500 sq. ft.) to RM (Multi-Family Residential) located on the southwest corner of 800 South and Main Street

Staff Report

Application

Zone Change Map

Planning Commission Minutes

Ordinance

Dale Coulam clarified that the Land Use for this property is High Density Residential.

If an applicant asks for a zone that is in the High Density Residential use, they are legally entitled to it. The R-1-7.5 zone is a Medium Density Residential use and is not an option. There are three (3) zones that the City Council can consider granting to the applicant. Those options are Multi-Family, R-2-6 for duplexes and R-1-5 which are 5000 sq. ft. lots. He suggested that the City Council concentrate on the density because it is possible that the landowner who obtains the zoning could sell the property.

Council Member Mehr inquired as to an example of a subdivision that is R-1-5.

Kevin Rudd stated that the Anthem Estates subdivision by UNITY Park was one development that is zoned R-1-5. **Council Member Roberts** referred to the R-2-6 zone in inquired about that zone. **Kevin Rudd** clarified that duplexes could be built in that zone and is an affordable form of housing that is being overlooked and not being pursued in Ivins. **Council Member Densley** inquired if there are currently any sites in Ivins for duplexes. **Kevin Rudd** indicated that there was not and that Ivins is lacking in affordable housing and the only way to create that is by building duplexes and four-plexes. **Mayor Hart** clarified that cities are required to have an affordable housing plan and with a medical school coming to Ivins with 250 students on site, and only half of that housing planned to be provided by the medical school, there is a need for housing for those graduate students and their families and duplexes in appearance are like single family residences. **Council Member Roberts** looked at where the property is located and clarified that there is a storage unit adjacent to this property. He felt there should be a buffer on the east side of the property and suggested a strip of R-1-5 or R-2-6 and the remaining property could be zoned RM. **Council Member Densley** suggested the whole parcel be zoned for duplexes and inquired if there was anywhere else in the City that provide for RM zoning. **Kevin Rudd** clarified that there is very little zoned RM in Ivins and that it makes sense to provide high density residential from Highway 91 up through the old part of town. **Mayor Hart** clarified that 2-3 acres near that parcel is already zoned neighborhood commercial. **Council Member**

Roberts stated that since the storage units are there already, he felt the only buffer that would be needed was on the east side and suggested the buffer could be duplexes or single family homes that would transition into multi-family. **Council**

Member Johnson indicated that she has lived in Ivins her whole life and understood the residents' objections. She clarified that she initially objected to the subdivision behind her but it's turned out that it hasn't been a negative thing. She felt that there needs to be some place in Ivins for young families starting out and stated there isn't going to be anybody that wants it in their neighborhood. She proposed that there be a buffer of duplexes. **Council Member Mehr** preferred to leave the zoning as it is or to R-2-6 with duplexes as a buffer but didn't support multi-family. He preferred to see the

developer build on the other parcel first and see what happens with that. **Council Member McDonald** agreed with Council Member Johnson and was in favor of duplexes as a buffer on the east side of the property and the rest as multi-family.

MOTION: Council Member Densley moved that the piece in question, the 10 acres, be zoned R-2-6 duplex 6,000 sq ft lots

SECOND: -1

VOTE: The motion failed unanimously.

SECOND: The motion failed for lack of a second.

MOTION: Council Member Roberts moved to approve the zoning for R-2-6 along the eastern boundary of the ten (10) acres from approximately the point of Red Mountain Storage Units and the rest as RM Multi-Family in conjunction with the one across the street

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	NAY
Council Member Densley	NAY

Three (3) Council Members voted in favor and two (2) Council members voted in opposition. The Motion carried three (3) to two (2).

- C. Public Hearing on the Planning Commission's recommendation to approve an amendment to the Land Use Plan to expand Resort Commercial and leave a buffer area of existing RMU (Resort Mixed Use)/LDR (Low Density Residential) along the western border of the property. Located on approximately 31.53 acres on the south side of Snow Canyon Parkway at approximately 1300 East

Kevin Rudd indicated that the applicant is requesting that the Land Use Plan be amended to show the property as RC Resort Commercial. The current Land Use Plan shows the property as RMU Resort Mixed Use on a small strip along Center Street, with the remainder shown as LDR Low Density Residential. The intent of the Land Use Plan was to create a buffer between residential and commercial. The Planning Commission voted unanimously to deny the application request to amend the entire parcel to RC Resort Commercial but made a recommendation to adjust the existing LDR Low Density Residential boundary to within 300' of the existing single family residential to the west and increase the RC Resort Commercial boundary to the new LDR Low Density Residential alignment. The Planning Commission felt that would provide a sufficient buffer to single family residences to the west and provide the applicant with an increased area for commercial development.

Mayor Hart opened the Public Hearing. **Bill Davidson** commented that the City Council is doing a great job managing growth. He was concerned with development disturbing the lava field and felt that the Planning Commission's recommendation was arbitrary on how the determined where the line would be drawn. He requested that the City Council not accept the Planning Commission's recommendation. He felt that the

Resort Commercial area was larger than it needed to be. He also expressed concerns with traffic and safety pulling out onto Snow Canyon Parkway. **Mayor Hart** commented that the Western Corridor will go through a portion of the property and intersect with Snow Canyon Parkway. **Chuck Gillette** explained traffic flows and lava as sensitive lands. **Kevin Rudd** clarified that Ivins City has Sensitive Lands Ordinance that preserves 30% of the lava in the commercial or residential development process. **Tim Bryan** resides on Mesa Vista and was present representing himself and two (2) neighbors who were out of town. He was opposed to any zone change based on views being affected in the area to the east and traffic concerns. **Brenda Davidson** stated that there needs to be a compromise and was concerned with the stewardship of the land. **Stan Castleton** was present representing the applicant. He develops high end mixed use properties and is working with Alan Layton on this property as well as the Sentierre project. He agreed that this piece of ground is a very special piece of ground and he does not want to force commercial towards the Parkway but the way it's currently identified on the Land Use Plan, any development would be forced towards Snow Canyon Parkway. There being no other comments, **Mayor Hart** closed the Public Hearing.

- D. Discuss and consider approval of the Planning Commission's recommendation to approve an amendment to the Land Use Plan to expand Resort Commercial and leave a buffer area of existing RMU (Resort Mixed Use)/LDR (Low Density Residential) along the western border of the property. Located on approximately 31.53 acres on the south side of Snow Canyon Parkway at approximately 1300 East

Staff Report

Land Use Plan

Zone Change Map

Planning Commission Minutes

They **Mayor and City Council** looked at maps of the Land use Plan and what the Planning Commission proposed. They determined they would like to see a topography map of the area to determine where the lava croppings were and to see where the proposed boundary lines would be as well as any overlays. Chuck Gillette will prepare that information and the City Council will continue this discussion on the next City Council agenda.

MOTION: Council Member Mehr moved to continue this discussion

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

- E. Public Hearing on the Planning Commission's recommendation to approve a Preliminary Plan for Indigo Trails Subdivision on property located on the south side of Highway 91 at approximately 600 West

Kevin Rudd stated that the Preliminary Plan complies with Ivins City ordinances. The TRC (Technical Review Committee) has reviewed the plan and recommends approval.

Mayor Hart opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

- F. Discuss and consider approval of the Planning Commission's recommendation to approve a Preliminary Plan for Indigo Trails Subdivision on property located on the south side of Highway 91 at approximately 600 West

Staff Report

Application

Map

Planning Commission Minutes

MOTION: Council Member Mehr moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Indigo Trails Subdivision on property located on the south side of Highway 91 at approximately 600 West

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Mayor Hart requested that the rules be suspended to bring item 5)D forward to current discussion.

MOTION: Council Member McDonald moved so moved

SECOND: Council Member Mehr

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

B. Discussion regarding creating a Youth Council

Dale Coulam indicated that when Ivins City had a Youth City Council, the City patterned the Youth Council after Santa Clara's and Wally Ritchie was an employee at Santa Clara at the time. Ivins followed Santa Clara's guidelines very closely with the makeup of the Youth Council consisting of a Mayor, who had to be a Junior or Senior in high school, and the remaining positions consisted of a five (5) person Council, a City Manager and a City Recorder. It was mentioned previously that there may be interest from some 12 and 13 year olds and they could be designated as Staff. He suggested that a City Staff Member and City Council Member be involved with the Youth City Council. **Wally Ritchie** stated that he created the Youth City Council in Santa Clara and they did it by Resolution. He indicated that Utah State University has a wonderful Youth City Council program that they run throughout the State that most Youth City Council's participate in and it culminates with a conference at Utah State. It's restricted to 9th graders and older and is patterned after an actual City Council. It

is set up for the school year with a one (1) year term. He thought that an outside adviser was a great idea. The **Mayor and City Council** agreed that the Youth City Council should mimic the Ivins City Council. **Mayor Hart** would like Council Member Johnson to be involved as the City Council Member and Wally Ritchie as the Staff Member. The Mayor, City Council and Wally Ritchie agreed. **Elijah Dale** suggested another adviser, that being Sherrie Reeder. She is the adviser to the Washington City Youth Council. **Wally Ritchie** indicated that it will be fairly easy once they get together and start talking about it. Ivins City already has a charter, application and guidelines. Once they get the core group together they can revise those and bring them current and then bring those and a Resolution back to the City Council.

The **Mayor and City Council** agreed.

- A. Continue to discuss and consider approval of Ordinance No. 2016-04, an Ordinance of Ivins City, Utah, amending vegetation used to screen personal property
Ordinance
Photos

Dale Coulam stated that he changed the word "shall" be liable to "may" be liable. He is not aware of any further discussions with the Best family.

MOTION: Council Member Johnson moved to approve Ordinance No. 2016-04, an Ordinance of Ivins City, Utah, amending vegetation used to screen personal property with the changes made in the wording

SECOND: Council Member Densley

VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mehr	NAY

Roll call vote. Four (4) Council Members voted in favor and one (1) Council Member voted in opposition.

- C. Discuss and consider participation in and support of the Days of 47 events

Council Member Mehr referred to the Freedom Festival in Provo and suggested they follow and think about those options. **Council Member Densley** liked the idea of sponsoring a run. **Council Member Roberts** agreed with sponsoring a run or a bike ride. **Mayor Hart** suggested a mini triathlon using the Ivins Reservoir as the swim venue. The **Mayor and City Council** agreed that this year the run would be easier to put on and then plan next year for a mini triathlon. The run will be held on the Saturday, July 16, 2016. **Council Member Roberts** suggested that there be a \$5 entry fee and a t-shirt be provided. **Rick Neilson** understood that cities haven't looked at their budgets yet so anything that's given is appreciated. He stated that Santa Clara will be providing \$2,000, Hurricane will be providing \$5,000 and Washington County is the host City and is providing significantly for the event. **Mayor Hart** reported that he received objections from people because they felt it was a religious holiday and not a state holiday and inquired if there would be a problem with the City supporting the events. **Dale Coulam** clarified that one can always celebrate their statehood and funding would be for a musical event. **Mayor Hart** requested this be a budget item as part of the budget discussion. He indicated that Parks and Recreation Director Benny Sorensen would be the point of contact.

- D. Discuss and consider approval of Resolution No. 2016-06R, a Resolution of Ivins City, Utah, approving and adopting the Storm Water Master Plan dated September, 2015

Resolution

Storm Drain Master Plan

Dale Coulam indicated this is a formality.

MOTION: Council Member Densley moved to approve Resolution No. 2016-06R, a Resolution of Ivins City, Utah, approving and adopting the Storm Water Master Plan dated September, 2015

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

- E. Discuss and consider elements of the Transportation Master Plan prepared by Horrocks Engineering

Transportation Master Plan

Chuck Gillette reported that this was tentatively approved in December and will proceed to a Public Hearing. **Council Member Densley** indicated that he liked it the way it was because it gives incentive for commercial to come to Ivins.

6) CONSENT AGENDA

- A. Approval of City Council Meeting Minutes for February 18, 2016

MOTION: Council Member Johnson moved to approve the Consent Agenda

SECOND: Council Member Densley

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

- A. Council

Council Member Densley- no report

Council Member Roberts-no report

Council Member Johnson reported that Ivins Heritage Days conflicts with the Dixie Roundup again this year, which will be held September 16 through September 18, 2016. The conflict will affect Ivins parade a little bit but they will press forward.

Council Member McDonald- no report

Council Member Mehr reported that he was approached by the residents of the Desert Rose Subdivision regarding the Desert Rose Park. They were concerned about the time line, final plans, providing input and a general displeasure on how that project is moving. He also reported that the SunTran bus is going through the Heritage Estates Subdivision and some residents have asked why it is cutting through their neighborhood. They are also concerned with the speed that the bus is traveling. **Dale Coulam** stated that the SunTran bus is cutting through that subdivision because of the construction on Highway 91. **Mayor Hart** indicated that the City will make contact with SunTran.

B. Mayor

Mayor Hart reported that he had a productive meeting with the Shivwits Band regarding the Ivins Reservoir and received their tentative approval of the final design.

The City will negotiate with Terry Marten to obtain a small piece of property to expand the parking area and move the entrance further East on Highway 91. Mayor Hart and Dale Coulam met with the County Commission and their Public Works and Finance Staff, Tourism Council Members and the like regarding Ivins trail project up to the Sentierre Resort. The City also formally requested that the County fund the road and parking lot to the Ivins Reservoir. The Washington County Water Conservancy District plans to complete the plumbing by the first part of May, 2016 and the City will bring the bathrooms in within that time frame. Chuck Gillette and Tom Jorgensen are working on the contour maps to get that roadway staked. He attended a Council of Governments meeting and Ivins successfully added three (3) additional Right of Way acquisitions, including Kwavasa, on the list for funding. It could end up being a substantial amount of money to help the City with those projects.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to the Desert Rose park and stated that is governed by a Development Agreement. After 30 homes were built, the developer paid \$30,000 to the City and thereafter the City commenced design of the project. **Council Member Mehr** inquired if Desert Rose residents want to express their concerns if they could have that as an agenda item. **Dale Coulam** stated that Benny Sorensen already has the results of a survey that was taken for those neighbors. **Mayor Hart** indicated He reported that at the next meeting the City will hold it's annual Municipal Building Authority (MBA) meeting where they will elect officers and that is typically set for 5:15 p.m. although it could be set as late as 5:20 p.m. The Mayor and City Council agreed that the MBA meeting will start at 5:15 p.m.

D. Items to be placed on future agendas

9) CLOSED MEETING--None

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Densley

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member	AYE

Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 9:12 p.m.

Respectfully,

Kari Jimenez,
Ivins City Recorder